UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
NGUYEN, HAU H

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _28 April 2008_.
2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-16_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-16_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The response filed on 4/28/2008 has been fully considered in preparing for this Office Action.

Claim Objections

1.   Claims 11-16 are objected to because of the following informalities: Claims 11-16 are

dependent upon claim 9, which is a *method* claim. However, dependent claims 11-16 appear to

be *apparatus* claims as are shown in the preambles. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1, 2, 6, 7, 9, 10, 14, and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Charpentier (U.S. Patent App. Pub. No. 2003/0001864) in view of Goshen

(U.S. Patent App. Pub. No. 2001/0029527).

As per claim 1, Charpentier teach an apparatus for adapting graphics contents to use a

single source for multiple uses (server-client network as shown in Fig. 2), comprising:

a graphics usage environment information managing means (*controller 120)*for

collecting, describing and managing graphics usage environment information from a user

terminal (*remote computing device 56*) that consumes the graphics contents (page 3, par. 24-

25); and

a graphics adapting means (*graphics customization mechanism 112*) for adapting the

graphics contents to the graphics usage environment information of the user terminal and

outputting the adapted graphics contents to the user terminal (i.e. *manipulating graphics content*

to produce graphics information in a second format that may vary according to the device type

of the remote computing device 56, page 4, par. 34),

wherein the graphics usage environment information includes user terminal

characteristics information (*characteristic information of the remote computing device 56,* page

3, par. 25) and graphics presentation preference information (e.g. *to increase speed with which*

graphics contents is displayed on the remote computing device, or reducing color information,

etc., page 4, par. 34).

Charpentier fails to explicitly teach the graphics presentation information is from a user.

However, Goshen teaches a method to change the browser and extend its capabilities as a

delivery platform for information. The customized browser automatically changes and updates

so as to provide the best browser configuration and settings with respect to the web site being

viewed or to user preferences (see par. 11). As disclosed in paragraphs 22 and 23, Goshen

further teaches the content provider adapted to change the graphics content according to user's

preference information included in the request.

Since Charpentier and Goshen teach sending requests from a user terminal to the server

to modify the graphics content provided to the server, it would have been obvious to one skilled

in the art to incorporate the method of sending user's preference information to the server to

adapt the graphics contents to the user's preferences as taught by Goshen into the method and

system as taught Charpentier as cited above so that graphics contents provided to end-user will be in the form that suits the user's needs.

As per claim 2, Charpentier fails to teach the user terminal characteristics information includes information related to encoding/decoding performance of the user terminal, and the graphics adapting means adapts the graphics contents based on the information related to encoding/decoding performance and transmits the adapted graphics contents to the user terminal. However, as cited above, Charpentier does suggest that all of the processing capabilities of the remote computing device are taken into consideration to generate the adapted graphics contents. Charpentier also teach reducing the transmission size of the generated graphics contents based on the information given by the remote computing device (pages 6-7, par. 55).

Goshen also teaches the user terminal characteristics information includes information related to encoding/decoding performance of the user terminal, and the graphics adapting means adapts the graphics contents based on the information related to encoding/decoding performance and transmits the adapted graphics contents to the user terminal (par. 35).

Therefore, it would have been obvious to one skilled in the art to utilize the method of encoding/decoding of user terminal as taught by Goshen in combination with the method as taught by Charpentier in order to optimize the transferring time thus reducing the waiting time (Goshen, par. 35).

As per claim 6, as cited above, the combined Charpentier-Goshen teaches the user's graphics presentation preference information (Goshen, as cited above) includes preference for geometrical characteristics of graphic objects of the graphics contents, and the graphics adapting means adapts the graphics contents by changing the geometric characteristics of the

graphic objects of the graphics contents and transmits the adapted graphics contents to the user

terminal (Charpentier, page 6, par. 47). Therefore, it would have been obvious to one skilled in

the art to incorporate the method of sending user's preference information to the server to adapt

the graphics contents to the user's preferences as taught by Goshen into the method and system

as taught Charpentier as cited above so that graphics contents provided to end-user will be in

the form that suits the user's needs.

As per claim 7, the combined Charpentier-Goshen reference further teaches the user's

graphics presentation preference information (Goshen, as cited above) includes preference for

material characteristics of the graphic objects of the graphics contents, and the graphics

adapting means adapts the graphics contents by changing material characteristics of the graphic

objects of the graphics contents and transmits the adapted graphics contents to the user terminal

(i.e. changing patterns and gradient, Charpentier, page 5-6, par. 45). Therefore, it would have

been obvious to one skilled in the art to incorporate the method of sending user's preference

information to the server to adapt the graphics contents to the user's preferences as taught by

Goshen into the method and system as taught Charpentier as cited above so that graphics

contents provided to end-user will be in the form that suits the user's needs.

Claim 9, which is similar in scope to claim 1, is thus rejected under the same rationale.

Claim 10, which is similar in scope to claim 2, is thus rejected under the same rationale.

Claim 14, which is similar in scope to claim 6, is thus rejected under the same rationale.

Claim 15, which is similar in scope to claim 7, is thus rejected under the same rationale.

4.   Claims 3-5, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Charpentier (U.S. Patent App. Pub. No. 2003/0001864) in view of Goshen (U.S. Patent App.

Pub. No. 2001/0029527), and further in view of McTernan et al. (U.S. Patent App. Pub. No.

2001/0047422) ("McTernan", hereinafter).

As per claim 3, as applied to claim 2 above, Charpentier-Goshen in combination teach all

the limitations of claim 3, except that the encoding/decoding performance information includes

information on the maximum number of vertices processed per second in the user terminal.

However, McTernan teach a method for using benchmarking to account for variations in client

capabilities in the distribution of a media presentation, wherein the computing capabilities of the

client includes information on the maximum number of vertices processed per second in the user

terminal (i.e. *the timing of graphics fill of a set of triangles is measured,* page 7, par. 80 and 82).

Therefore, it would have been obvious to one skilled in the art to utilize the method as

taught by McTernan in combination with the method as taught by Charpentier-Goshen to

determiner the capabilities of three-dimensional processing of the user terminal device in order

to adapt the graphics content thereof.

As per claim 4, the combined Charpentier-Goshen fails to teach the information related to

encoding/decoding performance includes information on the maximum number of pixels shown

in a screen buffer of the user terminal per second. However, McTernan teaches *measuring image*

resolution in pixels of the client computational resource. A Client selects the model that will

produce the best show possible based upon its specific hardware and bandwidth constraints

(page 7, par. 80). Thus, the maximum number of pixels corresponding to the image resolution

that a client display resource is capable of displaying is known and sent to the server. As is well

known in the art, screen buffer is used to store frame of image ready to be displayed according to a certain frame rate, it would have been obvious to one skilled in the art to utilize the method of measuring screen buffer capacity as taught by McTernan in combination with the method as taught by the combined Charpentier-Goshen so that graphics contents (such as image) can be formatted to fit the client's computational resource (in this case, to fit the screen buffer).

As per claim 5, although not explicitly taught by Charpentier and Goshen, McTernan teaches the system allows clients to retrieve the resources most suitable for their capabilities, including processing power, graphics production speed, and bandwidth based on a benchmarker routine running on the client (page 3, par. 41). Thus, the bandwidth (maximum rate) between the graphics processor and the graphics memory is tested and measured by the benchmarker to let the server know the client's computational capabilities.

Therefore, it would have been obvious to one skilled in the art to utilize the method of measuring the memory bandwidth as taught by McTernan in combination with the method as taught by Charpentier and Goshen in combination so that graphics contents can be formatted to fit the client's computational resource (in this case, to fit the client's processing power and production speed as cited above).

Claims 11-13, which are similar in scope to claims 3-5, are thus rejected under the same rationale.

5.   Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charpentier (U.S. Patent App. Pub. No. 2003/0001864) in view of Goshen (U.S. Patent App. Pub. No. 2001/0029527), and further in view Horvitz et al. (U.S. Patent No. 6,232,974). ("Horvitz", hereinafter).

As per claim 8, as cited above, Charpentier teach the server is adapted to produce graphics contents suitable to the client's computing capabilities based on the client's given information. Goshen teaches the graphics presentation information is from the user. Charpentier-Goshen in combination fails to teach *the user's graphics presentation preference information includes user preference for the number of pictures of animation graphic objects shown for one second, and the graphics adapting means adapts the graphics contents by changing characteristics of the animation graphic objects of the graphics contents based on the user preference and transmits the adapted graphics contents to the user terminal.* However, Horvitz teaches a method for allocating computational resources of a computer or special purpose rendering device to maximize the perceived quality of multimedia content such as three-dimensional graphics, audio and video (col. 1, lines 8-15), wherein the graphics presentation preference information (i.e. *frame of animation to be adapted to the computational resource*) includes user preference for the number of pictures of objects shown for one second (*target frame rate*) (col. 9, lines 33-48).

Therefore, it would have been to one skilled in the art to utilize the method of allocating (limited) computing resources for producing animation as taught by Horvitz in combination with the method of adapting to the client computing resource as taught by Charpentier and Goshen so that when the server provide graphics data for animation to the client, it can convert the graphics data to a format suitable to the client's computing capabilities.

Claim 16, which is similar in scope to claim 8, is thus rejected under the same rationale.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-16 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hau H. Nguyen whose telephone number is: 571-272-7787. The

examiner can normally be reached on MON-FRI from 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kee Tung can be reached on (571) 272-7794.

The fax number for the organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

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about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access

to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

/Hau H Nguyen/

Examiner, Art Unit 2628

/Kee M Tung/
Supervisory Patent Examiner, Art Unit 2628